

OFFICIAL COPY

Fresno, California

April 17, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Henry Perea	Council President

Absent:	Dan Ronquillo	Acting Council President (Out of town on City business)
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Andy Souza, Assistant City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF APRIL 3, 2001

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the Agency minutes of April 3, 2001, approved as submitted.

(“A”) RECEIVE REPORT REGARDING PROPOSAL FROM ZAHRA PROPERTIES TO CONSTRUCT A MULTI-LEVEL PARKING FACILITY ON AGENCY-OWNED PROPERTY WITHIN PROXIMITY TO THE GUARANTEE SAVINGS BUILDING AT 1171 FULTON MALL IN THE CBD REDEVELOPMENT PROJECT AREA, AND PROVIDE STAFF WITH FURTHER DIRECTION (COUNCIL AND AGENCY ACTION)

Redevelopment Administrator Murphey briefly reviewed the staff report as submitted and advised principals of Zahra Properties were in attendance to answer any questions.

Lengthy discussion ensued with Ms. Murphey, Director Fitzpatrick and Charles Briggs, President, Zahra Properties, and Guarantee Savings building owner, responded to questions of President Perea and Councilmembers Calhoun, Boyajian and Quintero relative to cost per space and potential total cost of the parking structure, the site plan, financial capability of Zahra to construct the facility, the \$1.00 property purchase price and if that would be tied to Zahra's ability to perform, other financial assistance being requested from the City, the land reverting back to the Agency for non-performance, timeline for staff to return with an agreement, if Zahra was working with a group that

had the financial capacity to build a \$6 million structure, staff recommendation #3 relative to affects on “cash flow”, status on the Guarantee Savings building rehabilitation, timeline for the INS to move into the building, lease provisions including rights to lease out parking to others, staff’s support of selling the property for \$1.00, and if prevailing wages would be paid in the construction of the facility. Chair Duncan spoke in support stating he was very encouraged as this was a private investment in downtown.

On motion of President Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to: **(1)** enter into negotiations with Zahra Properties for a Disposition and Development Agreement (DDA) on Lots 3 and 3a subject to receipt and analysis of the following from Zahra:

- a. a detailed financial pro-forma on parking facilities including a supporting market feasibility report;
 - b. evidence to the Agency of financing including a pre-approved bank loan commitment letter from a reputable lender;
 - c. evidence of any equity requirement conditioned by the bank lender;
 - d. a schematic detailed site plan and elevations of the proposed parking structure in relation to the site and its adjacencies;
 - e. a detailed breakdown of on- and off-site costs including the cost to develop the proposed parking structure; and
 - f. Submission of a development schedule from start to completion for the construction of the proposed parking structure;
- (2)** work with City staff regarding the impact of a privately operated parking garage and its effects on “cash flow” to the Stadium Project; **(3)** work with City staff regarding the financial impact on “losses” of City revenues presently generated from Lots 3 and 3a; and **(4)** the sale of the “kidney-shaped” parcel not recommended, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan
Noes	:	None
Absent	:	Ronquillo

(“B”) AUTHORIZE THE ADDITION OF A PROGRAM COORDINATOR/GRANT WRITER POSITION TO THE AGENCY’S STAFF COMPLEMENT - MEMBER PEREA (AGENCY ACTION)

1. DEFINE SPECIFIC GRANT WRITER PRIORITIES AND DEADLINES

President Perea laid the matter over one week to allow him to meet with Director Fitzpatrick and set specific goals. Councilmember Castillo questioned how many grant writers there currently were, with Assistant City Manager Souza responding, and along with Councilmember Boyajian and Chair Duncan spoke in support of additional grant writers and the need to determine available funding sources. By Council consensus, the matter was laid over one week.

(“C”) CONSIDER DIRECTION TO THE REDEVELOPMENT AGENCY TO PAVE SURFACE PARKING ON AGENCY-OWNED PROPERTY AT FRESNO AND BROADWAY STREETS (PARCEL 6), MORE COMMONLY KNOWN AS THE “KIDNEY-SHAPED” LOT IN THE CBD REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, surface paving for the subject lot hereby approved, and staff authorized to enter into lease discussions with interested parties in accordance with established parking fee schedules, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan
Noes : None
Absent : Ronquillo

(“D”) APPROVE PURCHASE AT RE-APPRAISED VALUE OF PROPERTY AT 221 N. HOWARD WITHIN PHASE II OF THE REGIONAL MEDICAL CENTER PROJECT IN THE JEFFERSON REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest and left the dais at 8:55 a.m.

On motion of President Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the purchase of the subject property from Harold S. Manselian for a purchase price of \$45,000 hereby approved; and the Executive Director/Redevelopment Administrator authorized to execute the documents necessary to complete the transaction, by the following vote:

Ayes : Boyajian, Castillo, Perea, Quintero, Duncan
Noes : None
Absent : Calhoun, Ronquillo

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The joint bodies adjourned their meeting at 8:56 a.m. and the City Council convened in regular session at 9:00 a.m. President Perea advised Acting President Ronquillo was out of town with the Sister City delegation.

Vahan Gosdanian, Holy Trinity Armenian Apostolic Church, gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

(SURPRISE ADD-ON) PROCLAMATION OF ANDREW T. SOUZA MONTH

RESOLUTION OF COMMENDATION TO FACULTY AND STUDENTS OF THE FRESNO STATE VITICULTURE AND ENOLOGY RESEARCH CENTER DEPARTMENT - COUNCILMEMBER CASTILLO

PROCLAMATION OF EARTH WEEK

The above proclamations/resolution were read and presented.

WELCOME EXTENDED TO NEW CITY MANAGER DAN HOBBS - PRESIDENT PEREA

President Perea welcomed Mr. Hobbs on behalf of Council with Mr. Hobbs stating he was delighted and excited to be here, advised he would be meeting individually with Councilmembers this week on their concerns and priorities **(2 - 0)**, and stated he looked forward to working with everyone.

** A visiting third grade class from Jefferson Elementary School in Clovis was recognized and welcomed.

PROCLAMATION OF “PASTOR JEROME E. JACKSON DAY” - COUNCILMEMBER BOYAJIAN

With no one present to accept, the proclamation was read into the record.

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APPROVE AGENDA:

(5A) STATUS OF GRAFFITI IN FRESNO - COUNCILMEMBER CALHOUN

At the direction of President Perea and at staff’s request, the matter was set for 10:45 a.m. this date.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE CONFLICT OF INTEREST WAIVER REQUESTED BY THE LAW FIRM OF SAGASER FRANSON & JONES, REGARDING CITY OF FRESNO V. PR FARMS, ET AL (SUGAR PINE TRAIL QUIET TITLE ACTION), CASE NO. 01-CD-CG-00675

(1A-2) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$158,600 TO FURNISH AND INSTALL WELL SITE IMPROVEMENTS AT PUMP STATION NO. 159

(1A-5) AWARD A CONTRACT TO FORD CONSTRUCTION COMPANY IN THE AMOUNT OF \$317,961 FOR SANITARY SEWER REHABILITATION BY METHOD OF CURED IN PLACE PIPE

(1A-9) * RESOLUTION NO. 01-119 - 107TH AMENDMENT TO AAR 00-183 TRANSFERRING \$75,100 OF STATE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) CONTINGENCY FUNDS TO CONTINUE OPERATING AND MEETING POST MANDATES FOR POLICE OFFICER TRAINING

(1A-10) APPROVE PURCHASE OF A STREET EASEMENT AT THE NORTHWEST CORNER OF ASHLAN AND CORNELIA AVENUES FROM THE COLLINS FAMILY TRUST FOR \$11,500 AND \$100 FOR ENTRY ON THE PROPERTY OWNER’S REMAINING LAND FOR CONSTRUCTION PURPOSES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS TO CONCLUDE THE TRANSACTION

(1A-11) APPROVE PURCHASE OF EASEMENTS FOR THE SHAW/BLACKSTONE INTERSECTION PROJECT ON APN 418-080-16 FROM DEWAYNE AND SANDRA ZINKIN FOR \$5,200, AND APN 418-080-44 FROM THE METZLER REAL ESTATE GROUP, LLP, SWERTFAGER INCOME PROPERTY 1, LLC, GEORGE P. RICE, AND THE JEAN RICE TRUST FOR \$1,908; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENTS TO CONCLUDE THESE TRANSACTIONS ON BEHALF OF THE CITY

(1A-12) APPROVE PURCHASE OF A STREET EASEMENT AT 6732 N. CARRUTH FOR THE PRICE OF \$2,900 FOR IMPROVEMENTS TO FRUIT AVENUE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1A-13) AUTHORIZE THE CITY MANAGER TO ENTER INTO A NEW PARKING AGREEMENT WITH FRESNO COUNTY TO PROVIDE 240 PARKING STALLS EXCLUSIVELY FOR JUROR PARKING AT GARAGE NO. 7 LOCATED AT VAN NESS AND INYO (SPIRAL GARAGE)

(1A-14) APPROVE LAND LEASE WITH ARAMARK UNIFORM & CAREER APPAREL, INC., CONSENTED TO AND APPROVED BY CCA SILBAND/GOLFCORP DBA AIRWAYS MUNICIPAL GOLF COURSE REGARDING GROUNDWATER REMEDIATION

(1A-15) **RESOLUTION NO. 01-120** - AUTHORIZING THE SUBMITTAL OF A LAND AND WATER CONSERVATION FUND PROGRAM GRANT APPLICATION FOR \$67,325 FOR HOLMES PLAYGROUND CHILDREN'S PLAY EQUIPMENT, PICNIC TABLES, BENCHES AND BARBEQUES; AND APPOINT THE PARKS AND RECREATION DIRECTOR/DESIGNEE AS AGENT OF THE CITY FOR THE GRANT PROJECT

(1A-16) * **RESOLUTION NO. 01-121** - 381ST AMENDMENT TO MFS RES. 80-420 AMENDING THE RENTAL RATES AT CAMP FRESNO AND CAMP FRESNO JR.

(1A-17) **RESOLUTION NO. 01-122** - AUTHORIZING AN APPLICATION TO THE DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING, FOR GRANT FUNDS TO EDUCATE RESIDENTS REGARDING BEVERAGE CONTAINER RECYCLING AND LITTER PREVENTION

(1A-18) * **RESOLUTION NO. 01-123** - 127TH AMENDMENT TO AAR 00-183 APPROPRIATING \$2,100 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND CONVENTION CENTER EXPENSES RELATED TO THE B'NAI B'RITH EVENT - COUNCILMEMBER QUINTERO

(1A-19) APPROVE CALIFORNIA TECHNOLOGY, TRADE AND COMMERCE RETAIL WAREHOUSE INFRASTRUCTURE GRANT FOR THE CLOSING OF EXISTING OUTFALLS AND DRAINAGE FACILITIES AND THE DEVELOPMENT OF INFRASTRUCTURE TO CONVEY STORM WATER FROM BASIN "T" TO BASIN "BU"; AND AUTHORIZE THE CITY MANAGER TO SIGN THE GRANT ON BEHALF OF THE CITY

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(2A) **BILL NO. B-45 - ORDINANCE NO. 01-38** - CORRECTING THE ORDINANCE FOR REZONING APPLICATION NO. R-97-30 RELATING TO THE PROPOSED COMMERCIAL RECREATION PROJECT LOCATED AT N. CEDAR AND E. DAKOTA AVENUES (IN DISTRICT 4)

Councilmember Boyajian briefly left the meeting at 9:30 a.m.

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-45 adopted as Ordinance No. 01-38, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

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(3A) APPROVE APPOINTMENT OF DAVID HOUCK TO THE HUMAN RELATIONS COMMISSION - MAYOR AUTRY

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, David Houck appointed to the Human Relations Commission, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

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(3B) * BILL NO. B-38 - ORDINANCE NO. 01-39 - AMENDING SUBSECTION (b) OF SECTION 9-201 AND ADDING SECTION 9-208.2 TO THE FRESNO MUNICIPAL CODE RELATING TO ANIMALS AT LARGE

Councilmember Boyajian returned to the meeting at 9:31 a.m. A motion and second was made to adopt the ordinance. Councilmember Calhoun noted the staff report referred to two issues/ordinances for action whereupon City Attorney Montoy and City Clerk Klisch clarified the “barking dogs” ordinance was removed from the agenda on April 3rd (as stamped/indicated on the first page) and that the “animals at large” ordinance was the only one introduced that date and now up for adoption. Ms. Montoy briefly responded briefly to questions of Councilmember Boyajian relative to enforcement.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-38 adopted as Ordinance No. 01-39, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3C) * BILL NO. B-42 - ORDINANCE NO. 01-40 - AMENDING SECTIONS 9-802, 9-804, 9-805, 9-804.5, 9-805, 9-809(b), 9-810(d), 9-810(e), 9-811 AND 9-812 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES

Deputy City Attorney Slater and City Attorney Montoy responded to questions of Councilmembers Boyajian and Quintero and/or clarified issues relative to whether the ordinance would help to demolish more buildings, if it was currently difficult to demolish buildings, if there was a way the City could take over vacant buildings to recover costs expended, and eminent domain being the only mechanism to take property for the public good.

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-42 adopted as Ordinance No. 01-40, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3D) * BILL NO. B-39 - ORDINANCE NO. 01-41 - AMENDING SUBSECTION (d) OF SECTION 8-305 OF THE FRESNO MUNICIPAL CODE RELATING TO NOISE REGULATIONS, AS AMENDED, TO INCLUDE A SUNSET CLAUSE

Councilmember Calhoun directed a sunset clause be added to the ordinance and upon question Mr. Baida, City Manager's Office, recommended the date of June 1, 2003, for the ordinance to become null and void.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-39 adopted as Ordinance No. 01-41, *as amended, to include a June 1, 2003, sunset date*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(9:45 A.M.) UPDATE REPORT TO COUNCIL ON THE HEALTH AND WELFARE TRUST'S RESPONSE TO COUNCIL' REQUEST TO REDUCE THE \$1.37 MILLION ARBITRATION AWARD - PRESIDENT PEREA 1. * RESOLUTION NO. 01-124 - 113TH AMENDMENT TO AAR 00-183 APPROPRIATING \$1,363,000 TO PAY FOR HEALTH AND WELFARE TRUST COST INCREASES

President Perea gave an overview of the issue, questioned the status of health insurance rates, where they were headed, and the structure of the Health & Welfare Trust, with Assistant city Manager Souza responding, reviewed the issue of binding arbitration in this matter and expressed his disappointment that the Trust did not answer the City's request to consider accepting one-half of the awarded amount stating Council had always been there for the employees.

City Attorney Montoy and Mr. Souza responded to questions of Councilmembers Duncan and Castillo relative to the consequence of a "no" vote (with Ms. Montoy advising Council did not have that discretion), the negotiations and why binding arbitration was chosen, when the arbitration clause would expire, if binding arbitration could be utilized again should issues arise and if that was a real possibility for next year, and the projected rate increases for next year. Councilmember Castillo stated giving up the ability to negotiate was noteworthy and something Council should consider and also expressed his disappointment in the Trust.

Speaking to the issue were: Clyde Clinton, Health & Welfare Trust, **(3 - 0)** who explained the financial position of the Trust and how it got there; and Frank Balekian, former H & W Trustee, former President and Director of FCEA and current Retirement Board Member, who explained the 30-year history of the agreement.

Mr. Clinton and Mr. Souza responded to questions of Councilmember Castillo and/or clarified issues relative to the Trust bankrupting over the past 5 years and who held responsibility for the losses, if the new, pro-employee Council was taken into consideration when it was determined not to negotiate with the City, and the purpose of arbitration and parties involved. Mr. Souza reiterated a financial history of the trust would be forthcoming and stated the rate issue was a key cost component that would continue to grow in the near future. President Perea commented additionally on why he carried the binding arbitration issue for the Trust and concluded stating \$600,000 was not going to make or break the City but he thought there was a different relationship between the Trust and Council.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-124 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-01-04 AND ENVIRONMENTAL FINDINGS, FILED BY CARL GATTO, PROPERTY LOCATED AT 3111 E. HAMILTON (IN COUNCIL DISTRICT 7)

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-04, DATED MARCH 28, 2001

2. BILL NO. B-46 - ORDINANCE NO. 01-42 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-5 TO R-1

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck briefly reviewed the staff report as submitted, noted there was no opposition and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-01-04 hereby approved; and the above entitled Bill No. B-46 adopted as Ordinance No. 01-42, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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RECESS - 10:25 - 10:34 A.M.

(10:30 A.M.) RESOLUTION NO. 01-125 - AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT REGARDING A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR FRESNO-CLOVIS MUNICIPAL STORM WATER

City Engineer Salazar reviewed the staff report as submitted. Councilmember Calhoun expressed concern with receiving the item late and questioned if action could be delayed one week, with Assistant City Manager Souza explaining why items sometimes had to be submitted late and advised due to a timeline the matter could not be held over one week.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-125 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	Calhoun
Absent	:	Ronquillo

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(5B) DIRECT STAFF TO RETURN WITH AN INTERIM URGENCY ORDINANCE, PENDING COMPLETION AND ADOPTION OF ZONING ORDINANCES, REQUIRING CONDITIONAL USE PERMITS (CUP's) FOR THE SALE OF ALCOHOLIC BEVERAGES - PRESIDENT PEREA

President Perea stated permits issued received different reactions based on what areas of the City they were issued in and explained, noted ABC had their own data in making determinations and he felt the City of Fresno needed a more uniform, consistent policy, displayed a map indicating where permits were issued and stated it seemed like there was an over-concentration of alcohol sales and car lots in Area 3, and requested Council take a step back and work with staff on defining criteria.

Councilmember Duncan stated in looking at the map he did not see a problem and he did not see a need for an emergency ordinance emphasizing it would be very anti-business to limit any restaurants from opening, noted he had no problem with looking into the issue, and stated alcohol was a legal product and Council would find themselves in a situation of sending a very bad message to business. Councilmember Castillo pointed out areas that had over-concentrations of alcohol sales in his district, stressed Council did have a moral obligation to make decisions on when enough was enough stating too many of such establishments created blight, and stated the Cedar/Shields area was an emergency and he hoped Council would see it as such and support determining guidelines. Councilmember Calhoun stated this was a legitimate subject to discuss but did not see it as an emergency, noted Council needed to look into the issue with more depth and not just at a map, and recommended staff conduct a comparison study with comparably sized cities and return with a report.

City Attorney Montoy clarified the issue of giving staff direction required a simple majority vote and that a future interim ordinance would require 6 votes for approval, and advised the City had a CUP requirement for every establishment selling alcohol and procedures were already in place to deal with the issue. Brief discussion ensued on ABC's jurisdiction and on why an emergency ordinance was being requested, with Ms. Montoy and President Perea responding. Councilmember Boyajian stated he hoped the ordinance would have the criteria to make distinctions on the different types of establishments in different areas and on the difference between bars/convenience stores and restaurants, with President Perea stating that would all be taken into consideration.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, staff directed to return with an interim urgency ordinance, pending completion and adoption of zoning ordinances, requiring conditional use permits (CUP's) for the sale of alcoholic beverages, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Perea
Noes	:	Calhoun, Duncan
Absent	:	Ronquillo

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(5A) STATUS OF GRAFFITI IN FRESNO - COUNCILMEMBER CALHOUN

(4 - 0) Councilmember Calhoun stated although progress had been made graffiti was still around, stressed it sent a very negative message to citizens and businesses in our community, and commended staff on the excellent report.

Assistant Police Chief Dyer gave an overview of the issue and staff report as submitted, stated graffiti has and always would be a priority and that his department was working diligently with Fresno County Probation on the problem, and along with Community Sanitation Manager Salazar, City Attorney Montoy and Officer Rij responded to questions of Councilmembers Quintero and Duncan and President Perea and/or clarified issues relative to the process for complaints, number of days given to property owners to clean graffiti, lack of enforcement at 7th and Ventura (northeast corner), where complaints should be turned in to, how/when arrests were made, penalties, if the Tagger to Work Program stopped repeat offenders, what the City could do to toughen penalties and address hard-core taggers, nighttime activity, and correlation with daytime activity and truancy. Councilmember Calhoun invited staff to come forth with ideas to improve and/or tighten up what was already being done and commented additionally on the problem.

Ms. Salazar, Assistant City Manager Souza, Ms. Montoy and Chief Dyer responded additionally to questions and comments of President Perea and Councilmember Boyajian relative to whether the increase in graffiti was due to how the City was addressing the problem and if focus had been lost on an operational level, number of trucks in the Graffiti Abatement Program, need for change in operation or an additional truck, consolidating all departments' efforts into one department, timeline for businesses to remove graffiti, and employee liability. Ms. Montoy advised staff would be providing a detailed report on the issue. Councilmember Quintero stated the increase in population and the economy were the reasons for the increase in graffiti, and President Perea thanked staff for their report. There was no further discussion.

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(11:15 A.M.) APPEARANCE BY THE MACIAS CONSULTING GROUP, INC. (MCG), TO REPORT ON THE FINANCIAL EVALUATION AND ASSESSMENT OF THE CITY OF FRESNO

Denise Callahan, Director, MCG, reviewed the background of the issue and what Council had requested of the MCG, noted the performance review of selected departments was expected to be completed by June 30th, elaborated at length on the results of their review and gave their recommendations as contained in the report submitted, and thanked staff for their cooperation.

Extensive discussion ensued with Councilmembers Boyajian (**5 - 0**), Calhoun, Duncan, Castillo and President Perea commenting on the issue, explained why they were supportive of the audit, thanked the MCG for their report, and presented numerous questions on the report, findings and recommendations and/or expressed their concerns with the past administration, with Ms. Callahan and Assistant City Manager Souza responding.

On motion of Councilmember Boyajian, seconded by Councilmember Castillo, duly carried, RESOLVED, the “Fiscal Health of the City of Fresno: Management Actions are Needed” report to the City Council by the Macias Consulting Group, Inc., hereby accepted, and staff directed to move forward with the recommendations, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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LUNCH RECESS - 12:15 P.M. - 2:00 P.M.

(2:00 P.M.) CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA, ANDREW SOUZA AND MATTHEW GARGIULO - EMPLOYEE ORGANIZATIONS: CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA); CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA); FRESNO POLICE OFFICERS ASSOCIATION (FPOA), POLICE MANAGEMENT; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), LOCAL 100; STATIONARY ENGINEERS, LOCAL 39; AMALGAMATED TRANSIT UNION (ATU), LOCAL 1027; AND FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: FRESNO CITY EMPLOYEES ASSOCIATION(FCEA) V. CITY OF FRESNO

The Council met in closed session at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:19 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of **Item #2**, FCEA v. COF, the Council voted to deny the request of Attorney James P. Lough to seek a waiver from Council to represent FCEA in the litigation by a vote of 4-1-1-1, with President Perea voting “No”, Acting President Ronquillo absent, and Councilmember Calhoun abstaining.

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CONTESTED CONSENT CALENDAR ITEMS:

(1A-6) ACCEPT A CONTRACT WITH THE PUBLIC HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE DEVELOPMENT OF A METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS)

a. * RESOLUTION NO. 01-126 - 118TH AMENDMENT TO AAR 00-183 APPROPRIATING \$60,000 RECEIVED FROM THE PUBLIC HEALTH SERVICE FOR THE FIRST AND SECOND FUNDING INSTALLMENTS FOR THE DEVELOPMENT OF A MMRS

Fire Chief Smith responded briefly to questions of Councilmember Calhoun relative to whether any new positions were being added, if general fund dollars would be used, and if the affected fire captain would return to his former position upon expiration of the contract.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the contract with the Public Health Service, U.S. Department of Health and Human Services, for the development of a Metropolitan Medical Response System accepted, and the above entitled Resolution No. 01-126 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(1A-7) AUTHORIZE THE CHIEF OF POLICE TO EXECUTE AN AGREEMENT WITH THE OFFICE OF TRAFFIC SAFETY TO RECEIVE \$197,522 FOR THE “KEEP ALL OCCUPANTS SAFE” (KAOS) GRANT

a. * RESOLUTION NO. 01-127 - 119TH AMENDMENT TO AAR 00-183 APPROPRIATING \$8,900 OF KAOS GRANT FUNDS TO COVER THE COST OF A COMMUNITY SERVICE OFFICER II (CSO) POSITION FROM 4/1/01 TO 6/30/01

b. * RESOLUTION NO. 01-128 - 20TH AMENDMENT TO PAR 00-184 ADDING A COMMUNITY SERVICE OFFICER II POSITION TO THE POLICE DEPARTMENT, AS AMENDED

Assistant Chief Dyer responded to questions of Councilmember Calhoun relative to the new position being added with soft money and if it would be eliminated upon conclusion of the grant. Councilmember Calhoun requested an amendment to the resolution to add language relative to the position and funding, and made a motion to adopt the resolutions with the amendment to the PAR.

Assistant City Manager Souza stated he had no problem with the amendment but wanted to reemphasize grant positions and funding expirations were addressed as standard process during the budget process with departments. Councilmember Duncan stated he would oppose the motion and amendment stating it was not good for Council to start micro-managing departments and stressed departments should have the flexibility to decide whether or not to maintain positions. Brief discussion ensued.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the Chief of Police authorized to execute the agreement with the Office of Traffic Safety to begin implementation of the KAOS traffic safety grant; the above entitled Resolution No. 01-127 hereby adopted, and the above entitled Resolution No. 01-128 hereby adopted, *as amended*, adding the following language: "Approval will be contingent upon the availability of grant funds. If funding expires, the newly created position(s) will be eliminated unless re-authorized by Council action.", by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	Duncan
Absent	:	Ronquillo

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(1A-8) AUTHORIZE THE CHIEF OF POLICE TO EXECUTE AN AGREEMENT WITH THE OFFICE OF TRAFFIC SAFETY TO RECEIVE \$190,925 FOR THE "REMOVE ALCOHOL IMPAIRED DRIVERS" (RAID) GRANT

a. * RESOLUTION NO. 01-129 - 120TH AMENDMENT TO AAR 00-183 APPROPRIATING \$52,700 OF RAID GRANT FUNDS

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-129 hereby adopted, and the Chief of Police authorized to execute the agreement with the Office of Traffic Safety to begin implementation of the RAID traffic safety grant, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(1A-3) AWARD A CONTRACT FOR PURCHASE OF TWO (2) NEW ROTARY TURF MOWERS

Councilmember Castillo advised he received the information he was seeking and made a motion to award the contract.

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, a contract for the purchase of two (2) new rotary turf mowers hereby awarded to Turf Star, Inc., in the amount of \$47,473.39 by the following vote **(6 - 0)**:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(1A-4) RESOLUTION NO. 01-130 - APPROVING A SERVICE PROVIDER AGREEMENT BETWEEN MARJAREE MASON CENTER (MMC), INC., AND THE CITY OF FRESNO THROUGH THE FRESNO POLICE DEPARTMENT TO ADMINISTER PROGRAMS UNDER THE PROSTITUTION ABATEMENT AND REHABILITATION (PAR) PROGRAM

Assistant Chief Dyer, Bud Melton, PAR Program coordinator, and Assistant City Manager Souza responded to questions of Councilmember Castillo and/or clarified issues relative to why the Central Valley AIDS Team was discontinuing the administration of the programs, MCC reimbursing the City's general fund instead of the police department, equipment for the programs, funding source for staff's salaries, shelter requirements, and the PAR Program being self-sustained. Councilmember Castillo requested a mission statement on the PAR Program.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-130 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:45 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 24th day of April, 2001.

ATTEST:

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

